

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Joint Application of AT&T Communications of California, Inc. (U 5002 C) and WorldCom, Inc. for the Commission to Reexamine the Recurring Costs and Prices of Unbundled Switching in Its First Annual Review of Unbundled Network Element Costs Pursuant to Ordering Paragraph 11 of D.99-11-050.

Application 01-02-024
(Filed February 21, 2001)

Application of AT&T Communications of California, Inc. (U 5002 C) and WorldCom, Inc. for the Commission to Reexamine the Recurring Costs and Prices of Unbundled Loops in Its First Annual Review of Unbundled Network Element Costs Pursuant to Ordering Paragraph 11 of D.99-11-050.

Application 01-02-035
(Filed February 28, 2001)

Application of The Telephone Connection Local Services, LLC (U 5522 C) for the Commission to Reexamine the Recurring Costs and Prices of the DS-3 Entrance Facility Without Equipment in Its Second Annual Review of Unbundled Network Element Costs Pursuant to Ordering Paragraph 11 of D.99-11-050.

Application 02-02-031
(Filed February 28, 2002)

Application of AT&T Communications of California, Inc. (U 5002 C) and WorldCom, Inc. for the Commission to Reexamine the Recurring Costs and Prices of Unbundled Interoffice Transmission Facilities and Signaling Networks and Call-Related Databases in Its Second Annual Review of Unbundled Network Element Costs Pursuant to Ordering Paragraph 11 of D.99-11-050.

Application 02-02-032
(Filed February 28, 2002)

Application of Pacific Bell Telephone Company (U 1001 C) for the Commission to Reexamine the Costs and Prices of the Expanded Interconnection Service Cross-Connect Network Element in the Second Annual Review of Unbundled Network Element Costs Pursuant to Ordering Paragraph 11 of D.99-11-050.

Application 02-02-034
(Filed February 28, 2002)

Application of XO California, Inc. (U 5553 C) for the Commission to Reexamine the Recurring Costs of DS1 and DS3 Unbundled Network Element Loops in Its Second Annual Review of Unbundled Network Element Costs Pursuant to Ordering Paragraph 11 of D.99-11-050.

Application 02-03-002
(Filed March 1, 2002)

**ADMINISTRATIVE LAW JUDGE'S RULING
DENYING INTERVENTION REQUEST OF HEIDI E. NEAL**

On May 2, 2003, Heidi E. Neal (Neal) filed a petition to intervene in the above-captioned proceedings. Neal states that she is a consumer and wife of a telecommunications employee who has educated herself on unbundled network element (UNE) issues. Neal states her belief that lower UNE rates hurt

consumers by stifling investment in the telecommunications network, and hurt the economy and working families in California. Therefore, she asks to intervene and be added to the service list for the case. There were no responses to the petition.

The Commission is very interested to hear the views of consumers on any of the matters before it, and Neal is encouraged to express her views on UNE prices to the Commission by working with the Commission's Public Advisor. Nevertheless, simply because Neal has views on UNE pricing does not mean that she should automatically be granted status as a party to the case. Neal can effectively participate at the Commission and express her views without becoming an official party. In addition, there are several other reasons why Neal's intervention petition should be denied in this particular case.

First, Neal's intervention request is not timely because it comes after the majority of the record in the case has been developed. If the Commission were to grant the intervention, the case would most likely be delayed and the issues broadened. The above-captioned proceedings actually began with applications by AT&T Communications of California, WorldCom Inc. (collectively Joint Applicants) and Pacific Bell Telephone Company (SBC Pacific) in February 2001. In 2002, the case was consolidated with further applications to review additional UNE rates. The scope of the case, as set forth in a scoping memo in June 2001, and revised in July 2002, encompasses the examination of the correct forward-looking cost of various UNEs offered by SBC Pacific, including unbundled loops (including DS-1 and DS-3 loops), unbundled local and tandem switching (including ports, features, usage and termination), the DS-3 entrance facility without equipment, Dedicated Transport and SS7 Links. The current phase of the case involves cost study filings and supporting comments filed in October

2002 by SBC Pacific and Joint Applicants, reply comments received on February 7, 2002, and rebuttal comments filed March 12, 2003. Evidentiary hearings were held April 14-17, 2003 and one additional day of hearing has been scheduled for June 24, 2003 to conclude questioning of one witness. A workshop is scheduled for June 24-26, 2003 for Commission staff to ask technical questions on the cost study filings. It is expected that the case will be submitted with the filing of briefs in July 2003. Neal's intervention request, which comes after this extensive record development, could further delay the schedule for this case if the Commission were to grant her time to comment on the voluminous technical record and cost studies filed thus far.

Second, it is unclear whether Neal possesses any technical expertise on the topic of SBC Pacific's forward-looking costs, which is the sole issue of this case. While Neal expresses concern with the effects of UNE rates, the scope of this case is limited to a detailed examination of cost models and studies to determine SBC's forward-looking costs for specific UNEs. Even if Neal were to be given party status, her concerns with the effects of UNE rates are not contained within the scope of the current case. The scope of the case would have to be broadened to encompass this issue, which again could lead to delays.

Finally, if Neal were to be given party status she would find herself restricted by the numerous *ex parte* rules applicable to this proceeding. She would be restricted from speaking to the Commission directly at its regular Commission meetings, and she would have to comply with the extensive procedural and filing requirements that might present a significant time and cost burden. Rather than face all of these restrictions, Neal may express her views to the Commission more freely, both in letters to the Commission or by speaking at Commission meetings, if she instead works with the Commission's Public

Advisor. The Public Advisor will help ensure that her views are heard, given proper consideration, and placed in the correspondence file for the case. To assist in this regard, I will add Neal to the “information only” portion of the service list for this proceeding.

Therefore, **IT IS RULED** that the Petition to Intervene filed by Heidi E. Neal is denied.

Dated May 29, 2003 at San Francisco, California.

/s/ DOROTHY J. DUDA

Dorothy J. Duda
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Denying Intervention Request of Heidi E. Neal Ruling on all parties of record in this proceeding or their attorneys of record.

Dated May 29, 2003, at San Francisco, California.

/s/ ELIZABETH LEWIS

Elizabeth Lewis

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at

(415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.